

ENVIRONMENTAL LAWS/AGRICULTURAL OPERATIONS

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House Bill 5711

Sponsor: Rep. John Proos

House Bill 5714

Sponsor: Rep. John Stahl

House Bill 5712

Sponsor: Rep. Darwin Booher

House Bill 5715

Sponsor: Rep. Neal Nitz

House Bill 5713

Sponsor: Rep. Leslie Mortimer

House Bill 5716

Sponsor: Rep. Phil Pavlov

Committee: Agriculture

Complete to 2-21-06

A SUMMARY OF HOUSE BILLS 5711-5716 AS INTRODUCED 2-16-06

Generally speaking, the bills would transfer authority over certain environmental laws concerning the agricultural industry from the Department of Environmental Quality to the Department of Agriculture. House Bills 5711-5714 would create a new Part 86 of the Natural Resources and Environmental Protection Act to exempt MAEAP-verified farms from the permitting requirements of Part 31. House Bill 5715 and 5716 would transfer authority over agricultural nonpoint source pollution prevention projects from the DEQ to the MDA.

House Bill 5711

The bill would create a new Part 86 (Agriculture) of the Natural Resources and Environmental Protection Act that would regulate the agricultural sector with respect to storm water discharges.

Specifically, the bill provides that irrespective of any other provisions in the act or related rules, if a farm or farming operation is verified under the Michigan Agricultural Environmental Assurance Program, the farm or farming operation would be not be considered to have violated any provisions in the act or related rules regulating the livestock, cropping, or farmstead system, unless the farm or person responsible knowingly and recklessly caused impairment of the natural resources of the state.

Further, if the farm or farming operation is verified under the livestock system of MAEAP, and manure is applied to the farm in accordance with a Comprehensive Nutrient Management Plan (CNMP) developed under MAEAP, any precipitation-related discharge of manure would be considered to be an "agricultural storm water discharge" and exempt from the provisions and related rules of Part 31 (Water Resources Protection) of the act.

House Bill 5712

The bill would add a provision to Part 86 of NREPA allowing livestock production facilities to register with the Department of Agriculture (MDA) and be exempt from the permitting requirements of Part 31 of the act.

An existing or expanding facility would be allowed to register if it is verified under the MAEAP livestock system and has not had a discharge of waste or waste effluent into the waters of the state within the previous five years, other than an agricultural storm water discharge. A new facility would be allowed to register if the following criteria are met: (1) Prior to construction, the facility provides the MDA with a notice of its intent to register; (2) before the facility is populated, the owner or operator obtains a determination of conformance with Generally Accepted Agricultural Management Practices (GAAMPs) for Site Selection and Odor Controls at New and Expanding Animal Livestock Facilities; and (3) Within 30 days after the facility is populated, the owner requests verification under the MAEAP livestock system.

The registration would be revoked if the Department of Environmental Quality (DEQ) determines that the facility discharged waste or waste effluent into the waters of the state, other than an agricultural storm water discharge, or was not verified under MAEAP livestock system within one year of being populated. The MDA could extend the one-year registration deadline if the facility makes progress toward verification. Once the registration is revoked, the facility would be required to apply for a permit under Part 31 within 30 days.

House Bill 5713

The bill would add a provision to Part 86 requiring the MDA to prepare a booklet identifying environmental laws and rules affecting farms and farming operations, and make copies available by January 1, 2007.

Additionally, the bill would require to department to develop common-sense approaches to meeting the requirements of the laws identified in the booklet.

House Bill 5714

The bill would add a provision to Part 86 prohibiting the Department of Environmental Quality from acting on a complaint unless the complainant provides the department with his or her name and address. If a complainant brings two or more unsubstantiated complaints against the same farm or farming operation within two years, the complainant could be required by the DEQ director to pay the investigation costs of any third or subsequent unsubstantiated complaint brought against the same farm within two years.

House Bill 5715

The bill would amend Part 88 (Water Pollution and Environmental Protection Act) of NREPA to transfer authority over nonpoint source pollution and prevention grants concerning agriculture from the DEQ to the MDA. The DEQ would retain authority over non-agricultural grantees.

House Bill 5716

The bill would amend Part 53 (Clean Water Assistance) of NREPA to transfer authority over agricultural nonpoint source projects from the DEQ to the MDA. The DEQ would retain authority over non-agricultural projects.

BACKGROUND INFORMATION:

The Michigan Agricultural Environmental Assurance Program (MAEAP) was created in May 1998 by a coalition of agricultural, environmental, and conservation groups, with the purposed of assisting farmers in taking a voluntary, proactive approach to reducing

agricultural pollution. Public Act 176 of 2001 created Part 82 (Conservation Practices) of the Natural Resources and Environmental Protection Act, which provides the Department of Agriculture with statutory authority to administer the MAEAP and the Conservation Reserve Enhancement Program.

Specifically, the MAEAP has three stages designed to provide the farmer with flexibility to meet specific goals for a farming operation. The first phase of the program is an educational program (5-7 hours) designed to raise a farmer's awareness of practices that reduce legal and environmental risks associated with the farming operation. Once the first phase is completed, a farmer completes an on-farm assessment and develops a management plan specific to his or her farm. After the management plan is approved and implemented, the next phase is third-party verification. At the farmer's request, the Department of Agriculture completes an on-site inspection and verifies that the management plan has been implemented according to schedule. Farmers that complete the necessary requirements of the program receive a certificate that recognizes their accomplishment and commitment to sound environmental stewardship.

The MAEAP focuses on three main components of a farming operation: (1) livestock, (2) farmstead, and (3) cropping (growing crops). The livestock component includes the development and implementation of a Comprehensive Nutrient Management Plan (CNMP), which is a planning tool that helps the farmer comply with the Generally Accepted Agricultural Management Practices, particularly those related to manure management. The purpose of the CNMP is to protect water quality, obtain beneficial uses from animal manure and organic by-products, and minimize the farming operation's adverse impacts on the environment and public health.

The farmstead component is designed to assist the farmer is addressing the environmental risks around their farmstead, such as how the storage and handling of pesticides or manure are impacting water supplies. The cropping component focuses on the environmental impacts of activities related to field cropping.

FISCAL IMPACT:

A fiscal analysis is in process.

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Fiscal Analyst: William Hamilton

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.